

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0138/P1dn
ARG:kjf:jm

October 3, 2012

ATTN: Michael Murphy

Please review the attached draft carefully to ensure that it is consistent with your intent.

2011 Wisconsin Act 92 created s. 814.045, which includes a presumption that the recovery of reasonable attorney fees in actions where compensatory damages are awarded is limited to no more than three times the amount of the compensatory damages. I believe that the \$1,000 damage award under created s. 125.07 (4) (f) 1. is properly classified as statutory damages, not compensatory damages, and therefore I do not believe that the "three-times" limitation in s. 814.045 would apply. Accordingly, I have not modified created s. 125.07 (4) (f) 1. in this draft to address s. 814.045 (2) created in Act 92.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

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